

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Maryan S.

Plaintiff,

V.

Martin O'Malley,
Commissioner of Social Security,

Defendant.

Case No. 22-cv-767 (TNL)

ORDER

Jyotsna Asha Sharma and Paul McGrath, Disability Partners, PLLC, 2579 Hamline Avenue North, Suite C, Roseville, Minnesota 55113; and Mahesha Padmanabhan Subbaraman, Subbaraman PLLC, 222 South 9th Street, Suite 1600 Minneapolis, Minnesota 55402 (for Plaintiff); and

Ana H. Voss, Assistant United States Attorney, United States Attorney's Office, 300 South 4th Street, Suite 600, Minneapolis, Minnesota 55415; Elvi Jenkins, Special Assistant United States Attorney, 1301 Young Street, Suite 350, Mailroom 104, Dallas TX 75202; and James D. Sides and Michael Moss, Social Security Administration, Office of the General Counsel, Office of Program Litigation, Office 4, 6401 Security Boulevard, Baltimore, Maryland 21235 (for Defendant).

This matter comes before the Court on Plaintiff Maryan S.’s Motion for an Award of Attorney’s Fees Under the Equal Access to Justice Act (EAJA), ECF No. 49, regarding fees and costs under EAJA, 28 U.S.C. § 2412(d).

Plaintiff requested an award of \$28,810.47 in attorney fees. ECF No. 49 at 5. The Court ordered Defendant Martin O'Malley to respond to Plaintiff's request. ECF No. 51. In response, the parties filed a joint stipulation and have agreed that Plaintiff be awarded fees and costs under EAJA in the amount of \$27,000. ECF No. 59 at 1. Accordingly,

pursuant to the parties' agreement, the Court awards \$27,000 in fees and costs under EAJA. The parties do not say in their stipulation to whom the fees should be paid. Under *Astrue v. Ratliff*, 560 U.S. 586 (2010), any award belongs to the plaintiff and not counsel.

Based on the foregoing, and all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion for an Award of Attorney's Fees Under the Equal Access to Justice Act (EAJA), ECF No. 49 is **GRANTED IN PART** and **DENIED IN PART**.
2. Plaintiff's Motion is granted in part as follows:
 - a. Plaintiff is awarded \$27,000 in fees and costs under EAJA.
 - b. Any EAJA fees shall be paid to Plaintiff as the litigant pursuant to *Ratliff*.
3. Plaintiff's Motion is otherwise denied.
4. The parties' Stipulation, ECF No. 59, is **ADOPTED**.

Date: November 15, 2024

/s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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